**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT :**

**THE HONOURABLE MR. JUSTICE ANTONY DOMINIC**

**TUESDAY, THE 30TH OCTOBER 2007 / 8TH KARTHIKA 1929**

**WP(C).No. 32197 of 2007(G)**
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**PETITIONER:**
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**T.V.ABDUL KHADER, AGED 53 YEARS,**
**S/O. T.V.POKKER, RESIDING AT T.V.HOUSE,**
**CHENGOTTUKAVU, POST EDAKKULAM, QUILANDY.**

**BY ADV. SRI.M.RAMESH CHANDER**

**RESPONDENTS:**
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**1. THE DEPUTY DIRECTOR,**
**ENFORCEMENT DIRECTORATE, CHENNAI.**

**2. THE APPELLATE TRIBUNAL FOR FOREIGN**
**EXCHANGE, JANPATH BHAVAN, 4TH FLOOR, B WING,**
**JANPATH POST, NEW DELHI.**

**BY ADV. SRI.P.PARAMESWARAN NAIR,ASST.SOLICITOR**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 30/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

**ANTONY DOMINIC, J.**
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**W.P.(C) NO. 32197 OF 2007 G**
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**Dated this the 30th day of October, 2007**

**J U D G M E N T**

Ext.P5 is an order passed by the 2nd respondent considering the application made by the petitioner for dispensing with the pre-deposit of the amount ordered under Ext.P2. By Ext.P5, the petitioner is directed to deposit 60% of the amount of penalty, within 45 days. On a reading of Ext.P5, it is obvious that the Appellate Authority has considered the prima facie case as also the financial constraints of the petitioner. It is after considering these two relevant aspects that the Appellate Authority has decided to direct the petitioner to remit 60% of the penalty imposed. I do not see any perversity in the said order.

2. However, the time granted by the Appellate Authority in Ext.P5 order will stand enlarged and the petitioner will be permitted to make the remittance within four weeks from today.

Subject to this modification, writ petition is dismissed.

**ANTONY DOMINIC, JUDGE.**

Rp